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South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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## WEEK IN REVIEW

### HOUSE

House floor activity was dominated by discussion of H.4399, the "South Carolina Performance and Accountability Standards for Schools (PASS) Act" which is intended to create a system of accountability for the state's kindergarten through twelfth grade public education system by equipping students with a strong academic foundation and providing a clear means of measuring the progress of individual students, schools and school districts. To provide oversight, the bill creates the Performance and Accountability Standards for Schools Commission (the Commission), composed of fifteen voting members who serve four-year terms: two at-large appointments by the Governor; two Senators appointed by the Senate President *Pro Tempore*; two House members appointed by the Speaker; four non-legislative business and industry members appointed one each by the Governor, President *Pro Tempore* of the Senate, House Speaker, and State Superintendent of Education; four non-legislative public education members appointed one each by the Governor, President *Pro Tempore* of the Senate, Speaker of the House, and State Superintendent of Education; one member representing the Council of Presidents/Independent Colleges and Universities appointed by their chairman. The Commission also includes 3 *ex officio* non-voting members, including the State Superintendent of Education, the Chair of the State Board of Education (the Board) or designee, and the Chair of the Commission on Higher Education or designee. The bill creates the Office of Research and Development to operate within the Commission. This office is responsible for planning, monitoring, reviewing, and evaluating all aspects of the PASS Act and the Education Improvement Act, and the Commission will employ an executive director of the office who will hire staff as necessary to carry out the duties of the office.

The bill directs the Board to adopt specific performance-oriented education standards for math, English/language arts, science, and social studies for kindergarten through twelfth grade, and requires a cyclical review of these standards, by academic area, to ensure that they are maintaining high expectations for learning and teaching.

The bill directs the Board to develop, select, or adapt a statewide assessment program for grades two through eight; end of course tests for gateway courses in English/language arts, mathematics, science, and social studies for grades nine through twelve; and an exit exam which is linked to the adopted standards. Also the Board is directed to develop, select, or adapt a first and second grade readiness test which is linked to the adopted standards.

The bill requires the State Department of Education (the Department) to provide data - examining student performance by considering their test scores over time, and broken out for specific groups within the total student population - from these assessments to the schools and districts of the State. The schools and districts are responsible to disseminate this information to parents in a format that will clearly indicate both the school's and the individual student's performance. The bill requires a review of the assessment after the field test. Other



assessment-related requirements and considerations in the bill include: required "norm-referenced" assessment (designed to compare student performance to a nationally representative sample of similar students known as the norm group) to give an accurate portrayal of student achievement in relation to other states; a requirement that high schools offer state-funded PSAT or PLAN tests to each 10th grade student to provide guidance and direction for parents and students as they plan for postsecondary experiences; a requirement that promotion to the next grade in grades two through eight be tied to meeting the composite standard established by the Board, with districts allowed to develop options for retention.

The bill directs that the Commission, working with the Board, establish an annual report card and its format for elementary, middle, and high schools, and for school districts, and directs what must be included in the report card and how and when the report card must be distributed. The bill also establishes a program for recognizing and rewarding schools with high levels of absolute and improved performance.

Assistance for poorly performing schools is provided in the bill with different requirements delineated for schools rated "D" and for schools rated "F." Assistance to these schools includes the creation of a pool of qualified teachers and principals who will be paid an incentive wage for three year contracts placing them in low-performing schools.

The bill requires that the Commission provide for a comprehensive review of professional development to include principal leadership development and teacher staff development. The bill also requires that a subcommittee of the Commission explore alternatives for the development of an on-going public relations/public awareness campaign and issue a report to the Commission of the plan by July 1, 1999.

Chapter 6 of Title 59 of the *SC Code of Laws*, which concerns monitoring implementation of education improvement, is repealed by this bill.

The House amended the bill so as to establish a separate fund, within the state general fund, to be used to provide financial support for poorly performing schools. The fund may consist of grants, gifts, public or private donations, in addition to appropriations from the General Assembly. Monies from the fund are to be invested by the State Treasurer. The State Board of Education, in consultation with the Commission, shall administer and authorize any disbursements from the fund.

The House also amended the bill so as to allow a student who attends a school which receives an "F" for its absolute grade to transfer to any other school in the district. If a district does not contain any schools receiving better than an "F" for an absolute grade, a student may transfer to a school in an adjoining district, if space is available. A student may remain at the school to which he has transferred until finishing the highest grade level offered at the school. Applicable state and federal funding per-student shall follow the transfer student to the adjoining district.

**H.4399** was also amended so as to authorize the PASS Commission to monitor and review the funding of Education Improvement Act programs.

The House enrolled for ratification, S.75, a bill to ratify proposed amendments to the South Carolina Constitution which the state's voters approved in November of 1997. The constitutional amendments addressed in S.75 establish the "Victim's Bill of Rights" and provide that bail may be denied to persons charged with violent offenses. The bill was approved after a discussion of concerns that a subsequent amendment would be needed to narrow the definition of a crime victim provided under the Victim's Bill of Rights. In answer to these concerns, Joint Resolution S.928, which proposes an amendment to the state constitution to further define which crime victims are to be addressed by the Victim's Bill of Rights, was introduced on Wednesday and referred to the Judiciary Committee.

The House amended, approved and sent to the Senate H.3337, which provides that the Chief Judge of the Administrative Law Judge Division is responsible for the administration of the division, including budgetary matters, assignment of cases, and the administrative duties and responsibilities of the support staff. The bill further provides that each administrative law judge may appoint, hire, contract, and supervise an administrative assistant as individually allotted and authorized in the annual general appropriations act. The other support staff of the division must be hired, contracted, and supervised by the chief judge.

## SENATE

On Tuesday, January 20, the Senate adopted the Concurrent Resolution to invite the Speaker of the U.S. House to address the General Assembly. Speaker Gingrich spoke before a joint session of the General Assembly on Thursday. The Senate met briefly on Wednesday before reconvening to hear the Governor's State of the State address.

## JOINT ASSEMBLY: STATE OF THE STATE ADDRESS

On Wednesday, January 21, Governor David Beasley presented his fourth State of the State Address to an audience of lawmakers, Supreme Court Justices, Constitutional Officers, and others, while broadcasting his remarks statewide via television, radio, and the Internet. The Governor emphasized South Carolina's recent accomplishments, primarily the rapid growth in the state's economy. In the course of his address, the Governor called for:

- \* Phasing out property taxes on automobiles. The Governor recommended an amendment to the state's constitution which would freeze property taxes on automobiles at their present level, and dedicating twenty percent of the state's revenue growth until the tax is completely eliminated.
- \* A complete ban on video poker.
- \* Reform in the state's public schools, emphasizing the back-to-basics curriculum, statewide



measurable standards for academic performance, and other recommendations of the Governor's PASS Commission.

- \* Adoption of the merit-based Palmetto LIFE Scholarship program which would provide a student who graduates high school with at least a B average and 1,000 SAT score with a \$2,000 scholarship to any public or private college or university in the state or a \$1,000 scholarship to any of the state's two-year or technical colleges.

- \* Emphasis on maintaining and improving the state's roads, including a sustained commitment to the Infrastructure Bank and a resolve to prompt Congress to revise the distribution formula for federal gas tax money so as to provide South Carolina with a more favorable return of funds.

- \* Continued commitment to the childhood immunization programs and the expansion of Medicaid benefits through the Partners for Healthy Children program.

- \* A continuation of the successful programs which have shrunk the state's welfare rolls and moved many former recipients into gainful employment.

- \* The swift ratification of the "Victim's Bill of Rights" amendment to the state constitution approved by voters in 1997. The Governor also recommended a continuation of programs which equip prison inmates with marketable skills and require them to work.

- \* Legislation from the General Assembly which would provide the public with increased protection from criminals who have been identified as sexual predators.

- \* Raising tax exemptions for senior citizens.

- \* Continuation of the commitment to the environment which has recently led to the preservation of the natural beauty of the Jocassee Gorges, Congaree Creek, and Sandy Island.

## **JOINT ASSEMBLY: ADDRESS BY THE HONORABLE NEWT GINGRICH SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES**

The Honorable Newt Gingrich, Speaker of the United States House of Representatives, addressed a joint assembly of lawmakers in the House Chambers on Thursday, January 22. Speaker Gingrich proposed federal reforms and suggested state action on four major issues: illegal drug use, education, retirement programs, and taxes. Speaker Gingrich selected as his top priority winning the war on drugs, suggesting that greater social pressure be brought to bear upon professional athletes, actors, and other celebrities who abuse drugs and calling for the nation's borders to be sealed off from the international drug trade. In the area of education

reform, the Speaker recommended an emphasis on reading and writing in English, student access to technology, strict accountability for schools which fail to meet basic standards of performance, and a mandatory day-long unit of study on the United States Constitution and the Declaration of Independence for each school grade level. The Speaker recommended revamping our Social Security System by establishing personal retirement accounts. With regard to taxation, the Speaker called for tax reductions at the federal, state, and local levels such that an American citizen would relinquish no more than twenty-five percent of his income to government. Speaker Gingrich recommended that government programs be more fiscally efficient and more customer-driven in interactions with the public.

## **HOUSE COMMITTEE ACTION**

### **AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS**

The full Agriculture, Natural Resources and Environmental Affairs Committee met on Tuesday January 20. Rep. Curtis Inabinett was elected First Vice Chairman of the Committee. Rep. Andre Bauer was elected Second Vice Chairman. Also, Dr. Paul A. Sandifer, Director of the Department of Natural Resources, addressed the Committee.

### **EDUCATION AND PUBLIC WORKS**

The full Education and Public Works Committee did not meet.

### **JUDICIARY**

The full Judiciary Committee did not meet.

### **LABOR, COMMERCE AND INDUSTRY**

The full Labor, Commerce and Industry Committee did not meet.

### **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The full Medical, Military, Public and Municipal Affairs Committee did not meet.

## WAYS AND MEANS

The full Ways and Means Committee did not meet.

## BILLS INTRODUCED

### AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

#### **H.4453 *UNLAWFUL BAITING OF DOVE FIELDS* Rep. Littlejohn**

State law prohibits hunting or shooting doves over a baited area. This bill creates the misdemeanor crime of unlawfully baiting a dove field. Violators would be subject to fines of between \$50 and \$100 or 30 days imprisonment.

#### **H.4452 *USE OF VEHICLE HEADLIGHTS TO OBSERVE WILDLIFE* Rep. Littlejohn**

Current state law prohibits the use of artificial lights to observe and harass wildlife in game zones 1, 2, 4, 5, 9, and 10. In zones 3, 6, 7, 8, and 11, using headlights to observe and harass wildlife is prohibited after 11:00 p.m. This bill states that it is not a violation of law to direct the headlights of a vehicle from a public road to observe wildlife, provided the vehicle does not leave the road and does not contain a weapon that is capable of killing the wildlife.

#### **H.4489 *HUNTING MOURNING DOVES ON SUNDAY* Rep. Rhoad**

This bill makes it illegal to hunt or take mourning doves in South Carolina on Sunday. Violators are subject to fines of between \$100 and \$500 or imprisonment for up to 30 days.

### EDUCATION AND PUBLIC WORKS

#### **H.4484 *REQUIRED PHYSICAL EDUCATION INSTRUCTION* Rep. Meacham**

This bill provides that participation in the marching band may be deemed equivalent to physical education instruction in public schools, and may be accepted in lieu of that instruction for all purposes, academic and non-academic.

### JUDICIARY

#### **H.4434 *PENALTIES FOR INSURANCE-RELATED OFFENSES* Rep. Fleming**

This bill revises the penalties for certain offenses by insurance agents. Current law states that a person who pretends to represent an insurer, secures cash advances by false statements, or fails to turn over collections of the insurer is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned up to two years. This bill provides that a person violating the prohibitions listed above is guilty of a misdemeanor for a first offense if the aggregate amount is less than \$1,000. Upon conviction, the person must be



imprisoned for up to two years and/or fined up to \$5,000. A person is guilty of a felony for a first offense if the aggregate amount is \$1,000 or more but less than \$5,000. Upon conviction, the person must be imprisoned up to five years or fined up to \$10,000, or both. A person is guilty of a felony for a first offense if the aggregate amount is \$5,000 or more, or a felony for a second or subsequent offense regardless of the aggregate amount. Upon conviction, the person must be imprisoned for a term not to exceed ten years and may be fined an amount not to exceed \$25,000.

Furthermore, a person who knowingly assists another in preparing an application for insurance with false information material to the underwriting of the insurance is guilty of a felony for a first offense. Upon conviction, the person must be imprisoned for up to five years or fined up to \$10,000, or both. For a second or subsequent offense, a convicted person must be imprisoned for up to ten years and may be fined up to \$25,000.

**H.4436 D.S.S. PROTECTIVE SERVICE EMPLOYEES Rep. Davenport**

This bill requires all protective services employees of the Department of Social Services to receive the same training relating to assessment and intervention in domestic violence issues as provided by the State for certified law enforcement officers.

**H.4437 PARENTAL RIGHTS AND RESPONSIBILITIES ACT Rep. Davenport**

This bill enacts the Parental Rights and Responsibilities Act of 1998. The stated purposes of the legislation are to protect the right of parents to direct the upbringing of their children as a fundamental right; to protect children from abuse and neglect; while protecting the right of parents, to acknowledge that the rights involve responsibilities and specifically that parents have the responsibility to see that their children are educated for the purposes of literacy and self-sufficiency; and to preserve parental choices in making health care decisions for a child unless, by neglect or refusal, the parental decision will result in danger or serious physical injury to the child.

The bill establishes a standard for judicial review of the rights of a parent to direct the upbringing of a child. In hearing cases concerning the rights of parents to direct the upbringing of a child, the court must utilize a process that requires a parent to initially demonstrate that the action in question arises from the right of the parent to direct the upbringing of a child and that the State (or a political subdivision of the State) has interfered with or usurped that right. The burdens of production and persuasion then shifts to the State to demonstrate that the interference or usurpation is essential to accomplish a compelling governmental interest, and the method of intervention used by the State is the least restrictive means of accomplishing the compelling interest.

The bill further provides that the State must not interfere with or usurp the right of a parent to direct the upbringing of a child unless appropriate evidence demonstrates that the interference is essential to accomplish a compelling governmental interest and is narrowly drawn in a manner that is the least restrictive means of accomplishing the compelling interest.

A parent may raise a violation of the Parental Rights and Responsibilities Act in an action in court as a claim or as a defense. A parent who prevails in an action brought or defended



against under the act is entitled to court costs and attorney's fees. The legislation does not apply to domestic relations cases concerning parental rights between parents in custody disputes, or to any other dispute between parents.

**H.4439 LITIGATION CONCERNING DISSOLVED CORPORATIONS Rep. Cooper**

Under the provisions of this bill, a claimant may not commence a suit against a former shareholder of a dissolved corporation arising from the liabilities of the corporation or arising from acts of the corporation unless the suit is commenced within ten years after the corporation's dissolution. Furthermore, no judgment against a dissolved corporation may be satisfied by proceeding against or joining an individual shareholder unless a suit has been filed against the dissolved corporation and the shareholders within ten years of the dissolution of the corporation. The bill states that these provisions will apply retroactively.

**H.4440 CRIME OF ASSISTED SUICIDE Rep. Sharpe**

This bill provides that a person who assists another person in committing suicide is guilty of a felony and, upon conviction, must be imprisoned not more than 15 years or fined not more than \$100,000 or both. A licensed health care professional would not violate the provisions of the bill if he administers, prescribes, or dispenses medications or procedures to relieve another person's pain or if he withholds or withdraws a life-sustaining procedure.

The bill states that injunctive relief may be sought against a person who is reasonably believed to be about to violate the prohibition against assisting suicide by a person who is the spouse, parent, child, or sibling of the person who would commit suicide; entitled to inherit from the person who would commit suicide; a health care provider of the person who would commit suicide; or a public official with appropriate jurisdiction to enforce the laws of this State. A person listed above, or the person who would have committed suicide, in the case of an attempt, may bring an action against a person who violates or attempts to violate the prohibition against assisting suicide for compensatory damages and punitive damages.

**S.923 JURISDICTION OVER NATIONAL ADVOCACY CENTER Sen. Holland**

This bill provides for concurrent state and federal jurisdiction over the National Advocacy Center, a prosecuting attorney training center in Columbia which is leased by the United States of America. The State of South Carolina would reserve concurrent jurisdiction to enforce the criminal and civil laws of this State within the Center, and would reserve the right to serve criminal or civil process within the facility in prosecutions or suits for or on account of crimes committed, rights acquired, or obligations incurred in the State of South Carolina.

**H.4445 CHILDREN IN FOSTER CARE Rep. Harrison**

Current law requires caseworkers from the Department of Social Services (D.S.S.) to personally contact foster children. This bill stipulates that the contacts must be personal, face-to-face visits. The visits may be conducted in the foster home and in the presence of other persons who reside in the home, but if the caseworker suspects the child has been abused or neglected, the observation and interview of the child must be conducted outside the presence of other persons who reside in the foster home. Furthermore, the bill requires the caseworker to conduct an interview with the foster parent, either in person or by telephone, at least once a month, and the caseworker must conduct a personal, face-to-face interview at least once each

quarter with each adult who resides in the foster home. Foster parents must make themselves reasonably available for the interviews and unreasonable noncompliance constitutes grounds for revocation of a foster parent's license.

**H.4446 *BANKING AND EDUCATIONAL LOAN RECORDS* Rep. Gamble**

This bill provides for the admissibility of a reproduction of a banking or educational loan record if the original would have been a business record for purposes of admissibility *or* if a witness attests that the reproduction is a true and correct copy of the original. Current law provides for the admissibility of a reproduction of a loan record if the original would have been a business record *and* if a witness attests that the reproduction is a true copy of the original.

**H.4454 *SURVEYING PROPERTY LINES* Rep. Riser**

This bill requires a surveyor of property lines to notify affected landowners or their representatives in writing of the date, time, and manner of the survey before surveying. A person who fails to provide the notification is guilty of a misdemeanor and, upon conviction, must be punished by a fine of \$500 or imprisonment for 30 years, or both.

**H.4455 *FREEDOM OF INFORMATION ACT INFORMATION* Rep. R. Smith**

This bill provides that all compensation paid to a person by a public body is subject to public disclosure under the Freedom of Information Act.

**H.4456 *GRAND JURY SERVICE* Rep. Campsen**

A county grand jury in South Carolina is made up of eighteen people, and six of the eighteen grand jurors serving in a given year must serve on the grand jury the following year. No person may serve as a grand juror for more than two consecutive years. This bill states that a person completing his service as a grand juror is exempt from any further jury service in any court in this State for a period of three years.

This bill also provides an alternative method for selecting and impaneling grand juries in this State. Under the alternative method, grand jurors would serve six-month terms and may be held over for one additional six-month term. Six of the grand jurors then in service who have not served two consecutive six-month terms would serve an additional six months. No person would serve as a grand juror for more than two consecutive six-month terms.

A county governing body, by ordinance, may elect to use the alternative method of selecting and impaneling grand juries and grand jurors in that county based on its determination that grand jury case loads, length of time persons must serve as grand jurors, and other similar concerns require this alternative method.

**H.4462 *ROBBERY OF a MOTOR VEHICLE* Rep. Limehouse**

Under the provisions of this bill, a person may use deadly force against another person when he reasonably believes the other person is using or attempting to use unlawful force against him or another person in a motor vehicle or the other person is committing or attempting to commit a burglary or robbery of a motor vehicle.



The bill further provides that when the death of a person results from injuries received from the driving of a motor vehicle stolen pursuant to the use or attempted use of unlawful force against an individual in the motor vehicle, then the person using unlawful force is guilty of murder.

**H.4463 CREDIT REPORTING Rep. Altman**

This bill states that a person or business that falsely reports the existence of a credit account or debt by another person or business to a credit reporting agency when the account or debt does not exist, is guilty of a misdemeanor and, upon conviction, must be fined not less than \$1,000 nor more than \$50,000 for each offense. For each offense, the person is prohibited from doing business in this state for ten days.

**H.4464 SEX OFFENDER REGISTRY Rep. Limehouse**

Under the provisions of this bill, SLED must provide a CD-ROM or other electronic medium to the sheriff's department in each county containing the information collected for the sex offender registry (except a sex offender's street address and criminal history other than the specific crimes for which the offender was required to register). SLED and the sheriff's department must make the CD-ROM available for viewing by an applicant who expresses an articulable purpose to obtain access to the information and who provides a South Carolina identification card showing he is at least 18 years old. The person must also sign a statement stating that he is not a registered sex offender and that he understands it is unlawful to use information obtained from the CD-ROM to commit a crime against a registrant or to engage in illegal discrimination or harassment of a registrant.

The bill provides a penalty for unlawfully copying or disclosing a record contained on the CD-ROM. Upon conviction, the person must be imprisoned not more than six months or fined not more than \$1,000, or both. Furthermore, the unauthorized removal or destruction of a CD-ROM from the office of a law enforcement agency is a misdemeanor punishable by imprisonment of not more than one year and a fine of not more than \$1,000, or both.

**H.4467 VIOLATIONS OF THE UNIFORM SECURITIES ACT Rep. Klauber**

This bill increases the penalty for violating provisions of the Uniform Securities Act. Under current law, a person who wilfully violates the Act is guilty of a misdemeanor and, upon conviction, must be fined not more than \$50,000 or imprisoned not more than three years, or both. This bill states that a violator of the Act is guilty of a felony and, upon conviction, must be fined not more than \$50,000 and/or imprisoned up to ten years if the person's actions result in loss to an investor of \$20,000 or more. A person is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned up to five years, or both, if the person's actions result in loss to an investor of more than \$1,000 but less than \$20,000. A person is guilty of a misdemeanor and, upon conviction, must be fined up to \$30,000 or imprisoned up to three years, or both, if the person's actions result in loss to an investor of \$1,000 or less, or if no losses are proven. The bill also provides that no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order.

**H.4468 CHILD ABUSE AND NEGLECT Rep. Harrison**

Under state law, out-of-court statements concerning neglect or abuse made by children under age 12 are admissible in family court proceedings. This bill expands the admissibility of out-of-court statements made by children to include those statements made by children (over age 12) who function cognitively, adaptively, or developmentally under the age of 12.

The bill also amends several sections of the Children's Code. Included in the amendments are provisions concerning child abuse and neglect. Current law requires certain persons (for example, doctors, child care workers, etc.) who reasonably believe that a child has been abused or neglected to report the abuse or neglect to appropriate authorities. The bill clarifies that reports are required regardless of who the reporter believes to be the perpetrator of the abuse. Persons acting in good faith who report the abuse or neglect are immune from civil or criminal liability when they participate in judicial proceedings resulting from the report. This bill extends the immunity to persons participating in investigations resulting from the report, and states that the immunity covers the full disclosure of facts which gave the person reason to believe that the child was abused or neglected. The bill also provides immunity from liability for reporting to contract employees of the Department of Social Services who convene family group conferences.

Included in the amendments are revisions concerning procedures relating to emergency protective custody of abused children. The bill also adds, as grounds for termination of parental rights, a conviction for criminal domestic violence. The bill requires the local foster care review board, which is required to review the cases of children placed in foster care, to make a report and recommendations to the court concerning the cases. The bill also requires the board to make a written request to the administrative judge of the family court for an emergency hearing in any case where the board concludes that the safety of the child is in imminent danger.

The legislation states that a child in the custody of D.S.S. are entitled to attend public school without charge if the child had been attending the school prior to being taken into custody, if D.S.S. places the child outside the school district in a foster home, or if D.S.S. determines that it is in the child's best interest to continue attending the school.

**S.22 FREEDOM OF INFORMATION ACT EXEMPTION Sen. Leatherman**

Under the provisions of the Freedom of Information Act (FOIA), certain records of public bodies are subject to public disclosure. S.C. Code Section 30-4-40 lists matters which are exempt from disclosure under the FOIA.

Under the provisions of this bill, materials gathered by a public body during a search for an employee would be added to the list of items exempt from disclosure under the FOIA. However, the bill states that materials relating to the final three applicants must be made available for public inspection and copying. - In addition, the public body must disclose, upon request, the number of applicants considered for a position.



**S.928 NOTIFICATION UNDER THE CRIME VICTIMS' BILL OF RIGHTS** Sen. Lander

Under the provisions of the Victim's Bill of Rights, victims of crime have the right to be reasonably informed when the accused or convicted person is arrested, escapes, or is released from custody (**S.75**, a bill ratifying the amendment which adds the Victim's Bill of Rights to the South Carolina Constitution, has been enrolled for ratification). **S.928**, a joint resolution proposing an amendment to the State Constitution, would allow the General Assembly to specifically exclude by law particular misdemeanors or felonies from these notification provisions. The General Assembly would also be authorized by law to further define the term 'victim' to stipulate the specific individuals to whom this provision applies.

**H.4476 PROHIBITIONS RELATING TO CERTAIN WEAPONS** Rep. Bauer

This bill states that a person shall not knowingly buy, sell, transport, pawn, receive, or possess a stolen machine gun, shotgun or rifle, or one of these weapons from which the original serial number has been removed or obliterated. Furthermore, a person convicted of a felony or a crime of violence may not transport, pawn, receive, or possess a machine gun, shotgun, or rifle. Violators of these provisions are guilty of a felony and, upon conviction, must be fined not more than \$2,000 or imprisoned not more than five years, or both.

**H.4478 EXEMPTIONS FROM BANKRUPTCY PROCEEDINGS** Rep. Fleming

This bill concerns the exemption of property from bankruptcy proceedings. For an unmarried debtor, the bill would increase the exemption amount on residences to \$10,000 and to \$20,000 for a married debtor. Current law makes no distinction between unmarried and married debtors and provides for a \$5,000 exemption on residences. Additionally, the bill increases the exemption on motor vehicles from \$1,200 to \$5,000.

**H.4482 SYMBOLS ON THE CAPITOL COMPLEX GROUNDS** Rep. Cromer

This bill provides for the relocation of the Confederate Flag atop the State House and for the codification of certain symbols on the grounds of and within the State House. The bill states that the South Carolina infantry battle flag of the Confederate States of America must be displayed at the Confederate Soldier's Monument on the State House grounds, and the first national flag of the Confederacy (Stars and Bars) must be displayed at the Women's monument to the Confederacy on the State House grounds.

Furthermore, the bill states that no monument, marker, flag, or memorial located on public property honoring the memory of the Confederacy, or honoring the civil rights struggle, may be removed or renamed without a two-thirds vote of each house of the General Assembly or without a two-thirds vote of the local entity or body having jurisdiction over the monument, marker, flag, or memorial.

**H.4485 BENCH WARRANT INFORMATION** Rep. Lanford

This bill concerns information on bench warrants issued by family court judges for refusing to obey court order for support or for other reasons. After a period of ten days, if the warrants have not been served on the respondent because of that person's residence in another county, the information on the bench warrants must be sent by the sheriff or process server to the National Crime Information Center for placement in the system's data base.

**H.4486 PROTECTION ORDER RELATED TO DOMESTIC VIOLENCE Rep. Jennings**

This bill states that a valid protection order related to domestic or family violence, issued by a court of another state, tribe, or territory must be accorded full faith and credit by the courts of this State and enforced as if it were issued in this State, even if the relief granted to the petitioner in the foreign order would not be available under the laws of this State. A valid protection order related to domestic or family violence issued by a county in this State must be accorded full faith and credit by all courts of this State but must be limited to relief available under South Carolina law. A person who obtains a valid order of protection in another state may file that order without fee in the judicial circuit where the person believes enforcement may be necessary (yet filing the order is not a prerequisite for its enforcement).

The court must provide two certified copies of the order, free of charge, to a party receiving a protection order related to domestic or family violence. One copy must be sent to law enforcement in the county in which the order was issued for entry into the National Crime Information Center and for enforcement if necessary. Law enforcement agencies in this State who receive notice of a valid protection order related to domestic or family violence are required to enter the order in the National Crime Information Center.

The bill states that law enforcement officers may rely on a copy of a protection order provided by any source and which appears valid on its face.

**LABOR, COMMERCE AND INDUSTRY**

**H.4438 SOUTH CAROLINA BUILDING CODES COUNCIL Rep. Davenport**

This bill increases from fifteen to sixteen the membership of the South Carolina Building Codes Council, and provides that the additional member shall be a member of the Building Officials Association. The bill also provides that nine members, rather than the current seven, shall constitute a quorum of the council.

**H.4448 "SOUTH CAROLINA RESPONSIVE GOVERNMENT ACT" Rep. Kirsh**

This bill provides that each state agency which has contact with the public must: ensure that the telephone number for the office is published in an appropriate telephone directory widely available to the local public; provide that a person answer the telephone line through which the office makes initial contact with the public until 5:00 p.m. for each official business day; prohibit the use of an electronic computer or mechanical device to answer the telephone line (except for an office in which there is only one employee); and, ensure that all correspondence originating from the agency include the official telephone number of the individual sending the correspondence.

**H.4451 PAYMENT OF CONTRACTORS AND SUBCONTRACTORS Rep. Keegan**

This bill provides that it is unlawful for a new or existing business, which has contracted for improvements to the owner's property, to open or reopen to the public unless all contractors and subcontractors have been paid for the services they have rendered in making the



improvements. A violator is guilty of a misdemeanor, punishable with a fine of two thousand dollars and/or confinement in the county jail for sixty days.

**H.4459 FIRE PROTECTION SPRINKLER SYSTEMS** Rep. Koon

This bill provides that the layout and installation of required fire protection sprinkler systems must be in accordance with the 1998 edition of the National Fire Protection Association National Fire Codes and the 1994 Standard Building Code, unless more recent versions have been adopted by the authority with jurisdiction. The bill eliminates the Fire Sprinkler Specification Sheet from the approval process for shop drawings of fire protection sprinkler systems. Consequently, the option to submit the shop drawings to the registered professional engineer who prepared the specification sheet for compliance is eliminated. The bill also eliminates the requirement that shop drawings bear the stamp and authorized signature of the licensed fire sprinkler contractor.

**H.4460 "ASSISTIVE TECHNOLOGY WARRANTY ACT"** Rep. Cato

This bill provides for the manner in which assistive technology devices (wheelchairs, prosthetics, hearing aids, voice synthesizers, braille printers, etc.) shall be marketed, repaired, maintained, and replaced, if required. The bill provides that a manufacturer who, directly or indirectly, sells an assistive technology device must furnish the consumer with a written warranty that is at least one year in duration, and which, at minimum, guarantees that there are no defects in parts or performance. In the absence of an express written warranty, the assistive technology device shall be considered to have been expressly warranted by the manufacturer just as if the manufacturer had explicitly furnished the warranty as specified in the legislation.

**H.4465 DOMESTIC MUTUAL HOLDING COMPANY SYSTEM** Rep. Harrison

This bill provides the procedures by which a domestic or foreign mutual insurer may reorganize into a domestic mutual insurance holding company system. A domestic mutual insurer may reorganize only pursuant to a plan of reorganization adopted by its board of directors and approved by the Director of the Department of Insurance and policyholders as provided in the bill.

**H.4469 LICENSURE OF PORT PILOTS** Rep. Limehouse

This bill revises the apprenticeship programs preceding licensure as a port pilot. For apprentices working towards licensure as a pilot at ports other than Charleston, the required twenty-foot branch and twenty-five foot branch are replaced by an initial short branch license and a second branch license, respectively. The commissioners of pilotage for the ports of Georgetown and Port Royal jointly shall establish in regulation the tonnage and draft restrictions for each short branch license. Similarly, the apprenticeship program towards full licensure as a pilot at the port of Charleston is revised such that an apprentice must obtain in succession an initial short branch license, then a first, second, third, and fourth branch license before full licensure. The commissioners of pilotage for the port of Charleston shall establish in regulation the tonnage and draft restrictions for each short branch license.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

### **H.4450 TRANSFER OF PRESCRIPTIONS FOR REFILL Rep. Keegan**

Presently, original prescription information for medication may be transferred once between pharmacies in South Carolina for the purpose of dispensing one refill to a patient. This bill makes it legal for original prescription information to be transferred once between a pharmacy in-state and a pharmacy out-of-state for the purpose of dispensing one refill.

### **H.4481 PATIENT-STAFF RATIOS FOR NURSING HOMES Rep. Cromer**

This bill sets mandatory patient-staff ratios in nursing homes as a condition of licensure. Between the hours of 7:00 a.m. and 3:00 p.m., nursing homes must have at least one staff member for every nine patients. Between the hours of 3:00 p.m. and 11:00 p.m., nursing homes must have at least one staff member for every thirteen patients. These patient-staff ratio requirements apply to staff who provide nursing care, excluding registered and licensed practical nurses.

## WAYS AND MEANS

### **H.4435 INTERNAL REVENUE CODE Rep. Campsen**

This bill updates the reference date whereby South Carolina adopts various provisions of the Internal Revenue Code. Also, the bill provides that a taxpayer may elect a 1985 reference date with respect to certain corporate liquidations.

### **H.4447 "INTERNET TAX FREEDOM ACT" Rep. Kirsh**

This bill enacts the "Internet Tax Freedom Act," providing that neither the State nor any political subdivision of the State may impose, assess, or attempt to collect any tax or fee directly or indirectly on the Internet or interactive computer services, or the use of the Internet or interactive computer services. The bill states that this provision does not apply to state income taxes imposed on and measured by net income derived from the Internet or interactive computer services, or to fairly apportioned business license taxes applied to businesses that have a business location in counties and municipalities, nor does it affect the authority of the State to impose a sales or use tax on sales or other transactions effected by use of the Internet or interactive computer services under conditions specified in the bill.

### **H.4458 ELIGIBILITY FOR UNEMPLOYMENT BENEFITS Rep. Bauer**

This bill provides that no otherwise eligible individual who is the custodial parent or guardian of a school-aged child may be denied unemployment benefits for not being available for work if that individual seeks or accepts work only during the hours when his or her children are in school.

### **H.4461 EXPENDITURES ON STATE-OWNED MOTOR VEHICLES Rep. Fleming**

This bill amends current law relating to the requirement that routine expenditures on a state-owned motor vehicle must be purchased from state-owned facilities and paid for by the use of



Universal State Credit Cards. The bill provides that gasoline and oil may be purchased at any fuel outlet where gasoline and oil are sold regardless of whether the outlet accepts a credit or charge card, and that the state credit card must be usable at every fuel outlet where gasoline and oil are sold. The bill also applies these provisions regarding purchase of gasoline and oil and usability of the state credit card to alternative transportation fuels.

**S.396 PROPERTY TAX ASSESSMENT NOTICES** Sen. J. Verne Smith

This bill amends current law relating to the contents of property tax assessment notices by deleting the requirement that the assessment notice must include the percentage change over the prior market value, if there is no change in use or physical characteristics of the property.

**S.443 DUTIES OF THE COUNTY ASSESSOR** Sen. Leatherman

This bill adds language to the *SC Code of Laws* providing that the county assessor has the right to enter and examine all new nonresidential buildings and structures and those portions of an existing building or structure covered by a building permit for renovations or additions.

**S.848 ADOPTION OF INTERNAL REVENUE CODE PROVISIONS** Sen. Passailaigue

This bill amends the "SC Income Tax Act" (*SC Code of Laws*, Section 12-6-40) by updating the reference date (from 12/31/96 to 12/31/97) whereby South Carolina adopts provisions of the *Internal Revenue Code of 1986*.

**H.4477 ITEMS SUBJECT TO MAXIMUM SALES AND USE TAX** Rep. Bauer

This bill extends the items subject to the maximum three hundred dollar sales and use tax to include self-propelled grass-cutting equipment.

**H.4479 TAX CUT FOR PERSONAL VEHICLES** Rep. Bauer

This joint resolution proposes a constitutional amendment to be submitted to the voters for approval at the next general election for representatives. The question to be submitted is whether the SC Constitution should be amended so as to provide a tax cut for personal vehicles, lowering the tax by twenty-five dollars for tax year 1999, increasing the tax cut to seventy-five dollars for tax year 2000, and lowering the tax an additional fifty dollars in each later tax year. The proposed amendment also provides that the State replace affected local revenue, and allows the General Assembly to delay for one year all or part of the next year's increase in the tax cut amount if a further tax cut would result in total remaining revenues from all sources growing less than one hundred million dollars. The proposed amendment also provides for local voter approval for a new tax or an increased tax or mill levy, and requires that the tax cuts be reflected in local government documentation of property taxation.

**H.4483 WEARING OF PROTECTIVE VESTS BY POLICE OFFICERS** Rep. Knotts

This bill relates to the special pension paid to certain survivors of a member of the Police Officers' Retirement System who dies in service from violence or hazard peculiar to the members' employment while in the actual performance of official duties. The bill provides that it is considered wilful negligence of the deceased if the member failed to wear a protective vest issued by the member's employer, in contravention of the employer's policy of wearing such vests, and this failure contributed to the member's death. Also, the bill authorizes the Budget and Control Board to review any records it considers necessary to make this determination.

**H.4490 GEORGETOWN COUNTY LOTTERY REFERENDUM** Rep. T. Brown

This joint resolution provides for a non-binding referendum in Georgetown County, to be conducted at the time of the 1998 general election, to ascertain the views of that county's voters as to whether the State Constitution should be amended to allow a lottery operated by the state, or local government, or both, the proceeds of which must be used to support public education and to build infrastructure improvements.

**H.4491 RETIREMENT INCOME** Rep. McLeod

This bill deletes current law which allows an individual to defer an annual retirement income deduction until the taxpayer reaches age sixty-five. The bill also provides that, beginning at age sixty-five, the taxpayer is allowed a deduction from South Carolina taxable income received up to twenty-three thousand dollars, reduced by any amount of other specified retirement income the taxpayer deducts

**H.4492 WILLIAMSBURG COUNTY LOTTERY REFERENDUM** Rep. T. Brown

This joint resolution provides for a non-binding referendum in Williamsburg County, to be conducted at the time of the 1998 general election, to ascertain the views of that county's voters as to whether the SC Constitution should be amended to allow a lottery run by the State or local governments, or both, the proceeds of which must be used to support public education and build infrastructure improvements.

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